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DISTRICT OF UTAH  
U.S. DISTRICT COURT  
BY: DISTRICT OF UTAH  
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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF UTAH

THE SCO GROUP, INC.

Plaintiff/Counterclaim-  
Defendant,

vs.

INTERNATIONAL BUSINESS  
MACHINES CORPORATION,

Defendant/Counterclaim-  
Plaintiff.

**ORDER DENYING SCO'S MOTION FOR  
PROTECTIVE ORDER**

**Civil No. 2:03CV0294 DAK**

**Honorable Dale A. Kimball**

**Magistrate Judge Brooke Wells**

Plaintiff and Counterclaim Defendant The SCO Group, Inc.'s ("SCO's") Expedited Motion for Protective Order came before the Court for a telephonic hearing on June 7, 2004. SCO was represented by Brent Hatch. Defendant Counterclaim Plaintiff International Business Machines Corporation ("IBM") was represented by Todd Shaughnessy.

The Court, being fully advised, hereby concludes as follows: (i) SCO's attempt to postpone depositions scheduled for the week of June 7, 2004 was undertaken too late; (ii) granting SCO's motion would cause undue inconvenience to the third party witnesses and other

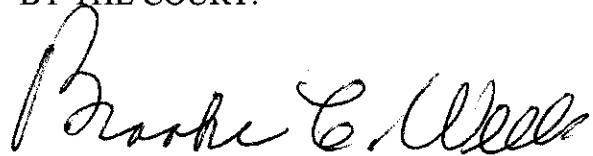
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participants in the depositions, and (iii) to the extent SCO's motion is premised on its need to have the same attorney appear both at the deposition of David Frasure and at the hearing scheduled for June 8, 2004, before the Honorable Dale A. Kimball, Judge Kimball is willing to reschedule that hearing to accommodate SCO's counsel.

Based on the foregoing, and for good cause shown, IT IS HEREBY ORDERED that SCO's Expedited Motion for Protective Order be and hereby is denied.

DATED this 15<sup>th</sup> day of June, 2004.

BY THE COURT:



United States District Court  
Magistrate Judge Brooke Wells

APPROVED AS TO FORM:

SNELL & WILMER L.L.P.

Alan L. Sullivan

Todd M. Shaughnessy

CRAVATH, SWAINE & MOORE

Evan R. Chesler

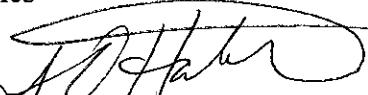
David R. Marriott

By   
*Counsel for Defendant International  
Business Machines Corporation*

HATCH, JAMES & DODGE, P.C.

Brent O. Hatch

Mark F. James

By   
*Counsel for Plaintiff*

blk

United States District Court  
for the  
District of Utah  
June 17, 2004

\* \* CERTIFICATE OF SERVICE OF CLERK \* \*

Re: 2:03-cv-00294

True and correct copies of the attached were either mailed, faxed or e-mailed by the clerk to the following:

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**IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF UTAH**

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**SCO Grp,**

**Plaintiff,**

**vs.**

**Intl Bus Mach Inc,**

**Defendant.**

**Case No. 2:03-cv-00294**

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**Document number 182 was scanned and saved on the court's file server.**

**By: Bonnie L. King  
Deputy Clerk**

**DATE: June 17, 2004**